

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

and

MICHAEL RAPPÉ,

Plaintiff-Intervenor,

V.

**AT&T SERVICES, INC., D/B/A
SOUTHWESTERN BELL TELEPHONE
COMPANY, L.P.,**

Defendant.

S

§ Civil Action No. A09CA700SS

**PLAINTIFF AND PLAINTIFF-INTERVENOR'S DESIGNATION OF POTENTIAL
WITNESSES, TESTIFYING EXPERTS AND PROPOSED EXHIBITS**

As required by Rule 26 of the Federal Rules of Civil Procedure, Local Rule CV-16, and the Court’s February 25, 2010, Scheduling Order, the Plaintiff, Equal Employment Opportunity Commission (“Plaintiff”), and the Plaintiff-Intervenor, Michael Rappé (“Intervenor”), in the above-entitled and numbered cause, files their designation of potential witnesses, testifying experts and proposed exhibits.

I. Potential Fact Witnesses

A. Dr. Valerie Espinosa, M.D.

Leticia Garza

Cynthia Charles

Tricia O'Neal

Lucy Rappe

Michael Scott Rappe

Dr. R. Marcelo Rodriguez, M.D

Dr. William Rodriguez, M.D.

Dr. Rashad Saeed, D.O.

Dr. Robert Stroud, M.D.

Dr. Eric S. Tibler, M.D.

- B. Plaintiff and Intervenor hereby cross-designate and incorporate any individual(s) identified by Defendant as having relevant knowledge.

II. Expert Witnesses

Plaintiff and Intervenor will designate their expert witnesses on May 3, 2010 as required by the April 23, 2010 Court Order.

III. Supplementation

If additional witnesses and/or documents are identified during the discovery process, the Plaintiff and Intervenor will timely supplement its Designation of Potential Witnesses, Testifying Experts and Proposed Exhibits.

IV. Proposed Trial Exhibits

At this time, Plaintiff and Intervenor's proposed trial exhibits consist of the following:

1. Michael Rappe's Charge of Discrimination;
2. Michael Rappe's Notice of Conciliation Failure;
3. Michael Rappe's Letter of Determination;
4. Michael Rappe's Notice of Charge of Discrimination;
5. Michael Rappe's Employment Application;
6. Physical Abilities Evaluation Guidelines;
7. Documents sent by AT&T to ProMed Medical Care Center regarding the Pre-Placement Physical, Drug Screen and Physical Abilities Evaluation for Michael Rappe;
8. ProMed Medical Care Center Records for Michael Rappe;
9. Pre-Placement Evaluation Report/Medical Recommendation dated February 6, 2007 for Michael Rappe;
10. Physical Examination Form SW-9076 dated February 6, 2007 for Michael Rappe;

11. Dr. Robert L. Stroud letter dated April 12, 2007;
12. Dr. William Rodriguez letter dated October 30, 2007;
13. Dr. Eric S. Tiblier letter dated May 10, 2007;
14. Dr. Valerie Espinosa letter dated April 20, 2007;
15. Dr. Valerie Espinosa letter dated October 30, 2007;
16. Email Oneal/Garza (Story) dated May 2007 and corresponding facsimile dated June 14, 2007;
17. Job Description (Systems Technician);
18. Job Description (Cable Splicing Technician);
19. S1 Separations Document for Michael Rappe;
20. Michael Rappe's Individual Absence Record for Year 1985;
21. AT&T's Responses to Interrogatories submitted by Plaintiff EEOC;
22. List of Jobs at AT&T that require motor vehicle operation, rung ladder climbing, pole climbing, work around dangerous machinery, work at elevation or work around pools of water;
23. Expert Reports for testifying experts on behalf of Plaintiff and Intervenor;
24. Documents reflecting Defendant's net worth such as shareholders reports, income tax returns, and 1099 forms;
25. Documents reflecting the number of employees employed by Defendant, including but not limited to payroll records and Texas Workforce Commission quarterly reports;
26. Defendant's policies and procedures;
27. Any and all depositions taken in this matter including without limitations the deposition exhibits; and
28. Plaintiff reserves the right to introduce documents listed on Defendant's exhibit list.

The parties have not yet completed discovery in this case. Plaintiff will designate additional proposed trial exhibits as soon as practical after any additional exhibits are identified.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on the 26th day of April 2010, the foregoing document was electronically transmitted to the Clerk of the Court using the ECF System which will send notification of such to the following Counsel of record:

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/s/ Edward Juarez

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